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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,893

10/28/2003

Pierre-Andre Noirjean

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07/14/2004

SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER

GUSHI, ROSS N

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Applicati n No.

10/693,893

Applicant(s)

NOIRJEAN, PIERRE-ANDRE

Examiner

Ross N. Gushi

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 9, 10, 12 and 15 is/are rejected.
- 7) ☒ Claim(s) 4, 7, 8, 11, 13, 14 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/28/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_ 10/28/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because the cross hatching does not conform to the guidelines as set out in MPEP section 608.02. In particular, the cross-hatching of the insulative portions (resin, plastic, etc.) of the assembly should be cross-hatched with alternating thick and thin diagonal lines.

**Correction is required in response to this Office action and corrections may not be held in abeyance.** Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.185(a). Failure to take corrective action within the set (or extended) period will result in **ABANDONMENT** of the application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 6, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida in view of Barras.

Regarding claims 1-3, Nishida discloses a portable electronic device including a case in which there is arranged a first electric module 3, and a wristband 5 or bracelet attached to said case, the case including a top portion 1 and a bottom portion 12 which cooperate with each other and securing means for holding said bottom and top portions

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together, a second electric module 7 being associated with said wristband and electric connecting means 11 providing an electrical connection between the first and second electric modules through an aperture 2 arranged in the case, said first electric module including at least one electric contact 4 capable of being connected to said electric connection means, wherein implementation of said securing means also establishes an electrical contact, via compression, between said connecting means and said contact (col. 2, lines 25-35).

Nishida does not state explicitly that the contact 4 is a "bump" contact. Barras discloses bump contact 15 connecting with elastic conductive element 19. At the time of the invention, it would have been obvious to shape the exposed end of the Nishida terminal as desired, including as a bump shape, as taught in Barras. Such a modification of the shape of the exposed portion of the terminal would have been a matter of engineering design choice, motivated by well known considerations such as reliability of the electrical connection between the conductors. See In re In re Dailey, 149 USPQ 47 (CCPA 1966).

Per claim 5, Nishida discloses an element 10 made of elastic material capable of compressing said connecting means against said bump contact when the case is assembled.

Per claim 6, said element 10 is a buffer of substantially parallelepiped shape and whose face that will come into contact with said connecting means 11 and has a surface area at least equal to the surface area of said bump contact.

Per claim 15, Nishida includes first means to ensure water resistance (see col. 2, lines 30-32) and second means 6 to ensure water resistance.

Claims 9, 10, and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida and Barras as in claims 2 and 5, in view of Yamamori.

Nishida does not state that the wristband includes an antenna. Yamamori discloses a device including a radio frequency type signal reception means, a first electric module including electronic circuits for processing the electric signals received from a second electric module, the latter including an antenna 121 capable of at least receiving radio frequency type signals, and connecting means 123 including in particular two electric conductors respectively connected to a first and a second end of said antenna. At the time of the invention, it would have been obvious to modify the Nishida device to include an antenna in the wristband and associated reception circuitry in the casing, as taught in Yamamori. The suggestion or motivation for doing so would have been to facilitate reception and processing of radio frequency signals, as taught in Barras and Yamamori and as is well known in the art.

Per claim 12, Nishida discloses additional conductors which may be used to carry various signals for various functions.

***Allowable Subject Matter***

Claims 4, 7, 8, 11, 13, 14, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 4, the prior art does not suggest the device as claimed, including the combination of all the claimed elements, the combination including means for positioning the angle and height of the first electric module, guaranteeing precise positioning of said bump contact with respect to said opening, arranged on a first of said portions of the case, additional means for positioning the height of the connecting means being arranged on the other of said portions of the case.

Regarding claim 7, the prior art does not suggest the device as claimed, including the combination of all the claimed elements, the combination including the additional element having positioning means with respect to the case and including a housing for receiving said element made of elastic material.

Regarding claim 11, the prior art does not suggest the device as claimed, including the combination of all the claimed elements, the combination including that the additional means is a spacer for positioning the height of said first electric module with respect to the other of said portions of the case and wherein said device includes an additional element having positioning means with respect to the case and including a housing for receiving said element made of elastic material and wherein said first electric module includes a printed circuit board carrying said bump contacts and said electronic circuits, said printed circuit board having at least one region arranged in contact with said spacer.

Regarding claim 14, the prior art does not suggest the device as claimed, including the combination of all the claimed elements, the combination including that

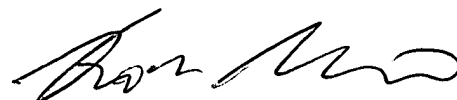
said communication means include a charging coil capable of inducing an electric current between its terminals by interacting with an external charger.

Regarding claim 16, the prior art does not suggest the device as claimed, including the combination of all the claimed elements, the combination including that said second means include a snug, made of moulded elastic material with a constituent element of said wristband, having slightly greater dimensions than the dimensions of said opening and capable of being deformed to engage by friction in said opening, said snug including a central passage for said electric connecting means.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (571) 272-2005. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached at 571-272-2800 extension 33. The phone number for the Group's facsimile is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ROSS GUSHI  
PRIMARY EXAMINER**